

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**FILED
CLERK**

1:53 pm, Aug 08, 2022

-----X
JOSEPH T. TRICARICO,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

GARY R. BROWN, United States District Judge:

**MEMORANDUM
OF DECISION &
ORDER**

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

20-CV-6079(GRB)

In this appeal brought pursuant to the Social Security Act, 42 U.S.C. § 405 *et seq.* (the “Act”), plaintiff challenges final determinations by the Commissioner of the Social Security Administration that he was ineligible to receive Social Security disability insurance benefits. *See* DE 1. Presently before the Court are the parties’ cross motions, pursuant to Fed. R. Civ. P. 12(c), for judgment on the pleadings.

In its review, the Court has applied the frequently reiterated standards for entitlement to Social Security disability benefits, review of a denial of such benefits, consideration of motions for judgment on the pleadings, examination of the procedures employed, the substantial evidence rule, deference accorded to ALJ decisions, and the evaluation of vocational evidence. These standards, along with numerous authorities and citations, are discussed at length, merely by way of example, in *Zacharopoulos v. Saul*, 516 F. Supp. 3d 211, 219 (E.D.N.Y. 2021), which discussion is hereby incorporated by reference.

Here, the matter is extraordinarily straightforward. Plaintiff, a former (now retired) government official, ended his career with the Town of Oyster Bay as a Deputy Commissioner

of Public Works. His purportedly disabling medical conditions consist of knee impairments – including one knee that was replaced – aggravated by obesity. It is beyond dispute that his position consisted of exclusively sedentary work, and the ALJ determined, quite reasonably, that plaintiff retained the capacity to perform such work. While counsel argues that certain medical findings, cobbled together, could suggest otherwise, that is not the question before this Court.

In considering the record as a whole, the ALJ’s opinion is amply supported by substantial evidence. *Zacharopoulos*, 516 F. Supp. 3d at 220 (“[T]he findings of the Commissioner as to any fact, if supported by substantial evidence, are conclusive, 42 U.S.C. § 405(g), and therefore, the relevant question is not whether substantial evidence supports plaintiff’s position, but whether ‘substantial evidence supports *the ALJ’s decision.*’”) (quoting *Bonet ex rel. T.B. v. Colvin*, 523 Fed. App’x 58, 59 (2d Cir. 2013)). Thus, this Court must affirm the decision of the Commissioner.

Based on the foregoing, the Commissioner’s motion is granted, and the Plaintiff’s motion is denied. The Clerk of Court is directed to enter judgment and close the case.

SO ORDERED.

Dated: Central Islip, New York
August 8, 2022

/s/ Gary R. Brown
GARY R. BROWN
United States District Judge